

The Motion for Reconsideration is denied. First, a motion for reconsideration under Local Rule 7.6 is limited to five pages. Plaintiffs' Motion exceeds that number. Second, the law in this circuit is clear that in dismissing a case under Rule 41(a)(2), a court may assess costs and fees associated with the action. Ortega Trujillo v. Banco Central Del Ecuador, 379 F.3d 1298, 1301 (11th Cir. 2004). Third, a number of other courts have imposed similar conditions on re-filing on individual plaintiffs. A

fee and cost assessment is not something limited to corporate plaintiffs. See Nwokocha v. Hartford Accident & Indem. Co., Civil Action No. 1:08-CV-2997, 2009 WL 2355982 (N.D. Ga. July 29, 2009); Etute v. Elkins, Civil Action No. 1:08-CV-149, 2009 WL 728548 (N.D. Ga. Mar. 19, 2009); Wright v. Standard Ins. Co., No. 8:07-CV-1586, 2008 WL 5070228 (M.D. Fla. Nov. 24, 2008); Nesbitt v. Holmes County Comm'rs, 2007 WL 2900229, at * 2 (N.D. Fla. Oct. 2, 2007). Finally, it should be noted that the Court considered awarding attorney's fees and costs to Defendants as a condition of dismissing the complaint without prejudice. Contrary to Plaintiffs' belief, the Court took Plaintiffs' financial condition into account, and decided rather than imposing fees and costs now, it would condition the re-filing of the lawsuit on the payment of fees and costs.

If Plaintiffs wish to avoid the fees and costs assessment, they still have the option of withdrawing their Motion to Dismiss and proceeding with the case in this Court. Plaintiffs also have the option to dismiss their case with prejudice.

SO ORDERED, this the 10th day of November, 2010.

/s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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